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October 26, 2007

Mr. Daniel Leavitt, Deputy Director
California High-Speed Rail Authority
925 L St., Suite 1425
Sacramento, CA 95814

Re: Comment Letter, Draft Bay Area to to Central Valley High-Speed Train (HST) Program Environmental Impact Report/Draft Environmental Impact Statement (EIR/EIS)

Dear Mr. Leavitt:

This comment letter is directed to you as the representative for the California High-Speed Rail Authority (HSRA) for the California Environmental Quality Act (CEQA) process on the above-captioned document. Transportation Involves Everyone (TIE), a project under non-profit organization sponsorship that is dedicated to achieving excellence in transportation requests that this letter become part of the record on the issue of alignment selection for high-speed trains between the Central Valley and the San Francisco Bay Area. O015-1

Despite its length at some 1,700 pages, the draft environmental impact statement is fatally flawed.

Aside from being dead on arrival, if allowed to stand it would undermine the California Environmental Quality Act. O015-2

Somehow the document, touted in advance as being an objective analysis of what would be the best route into the Bay Area, became a politicized beauty contest. Of note, about 80 per cent of testimony at the plethora of public hearings wasn't on point to the draft EIR/EIS. O015-3

"The purpose of en environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment,..." (Section 2106.1 of the California Public Resources Code)

Much more detailed information than is presented in the draft EIR/EIS is required for even a program document, as the current volumes under consideration are described by the HSRA. (Guideline 5168)

Ostensibly, the draft EIR/EIS was written, at least if it was in accordance with its title, for presenting objective and detailed rationale under CEQA mandates for choosing a route from the Central Valley into the Bay Area. O015-4

Case law regarding environmental impact statements and reports, consistent with court decisions under the National Environmental Policy Act (NEPA), persistently uphold CEQA's mandates that the document provide factual basis for decision-making. A key element is the need for presentation of information so enable policy-makers to provide an informed decision. This is especially true if the project under consideration is under the direct control of the governing body considering the EIR, as is the case with the HSRA Governing Board. The EIR/EIS must provide specific and detailed information and analyses so that actions can result that are best for the environment. (See in particular Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer (App 3 Dist 2006) 50 Cal Rptr. 3d, 799, 144 Cal App. 4th 890).

Even the most basic of environmental information relevant to any choice among some 21 different corridor options introduced in the document is curiously missing from the text. For instance, other than generalized descriptions of air pollution in the Central Valley and Bay Area, there is insufficient information as to how any of the 21 options would rank in reducing smog caused by tailpipe emissions. At least 60 percent of air pollution in the San Joaquin Valley results from mobile sources, with the largest culprits being Highway 99, Interstate 5 and Altamont Pass, according to the San Joaquin Valley Air Pollution Control District. O015-5

Moreover, from the outset of legislative authorization (beginning with Senate Concurrent Resolution 6 in 1993) it is clear the reduction in air pollution, reduction in traffic congestion and inhibition of sprawl were to be major objectives of any high-speed rail project. Air pollution generation within the San Joaquin Valley is certainly a problem of significant environmental consequence. In the last annual reporting period, according to the San Joaquin Valley Air Pollution Control District, there were 65 days in which state or federal ozone standards were violated. The California Air Resources Board (CARB) estimates that at least 1,000 deaths annually in the Central Valley, primarily due to respiratory disease, are attributable to air pollution. (See report, "Strengthening the Air Quality Policy Environment in the San Joaquin Valley" 2007).

Even the most basic comparisons of traffic volumes on Pacheco and Altamont passes—a major factor in analyzing tailpipe emissions that produce smog and the potential for reduction through high-speed rail—are missing from the text. However, readily available to the public—and to the HSRA—is the Caltrans website.

O015-5
Cont.

The Caltrans website (http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/index.htm) discloses that Altamont currently average 55.48 million trips per year, where Pacheco average 12.96 million trips per year. Thus, Pacheco carries only 23 per cent of the traffic per year on average, compared to Altamont.

Prevalent wind patterns carry smog caused by Altamont tailpipe emissions down the San Joaquin Valley and even into Yosemite National Park, where a third of the conifers below 6,000 feet are diseased, dying or dead due to air pollution. (See "San Joaquin Air Quality Study Policy: Relevant Findings," 31 pp. Published by San Joaquin Valley Air Policy Study Group, November, 1996 under financing of the California Air Resources Board and the San Joaquin Valley Air Pollution Control District).

Descriptions of how smog, further pushed into the San Joaquin Valley due to topography and prevalent weather patterns, is harming national parks is described in "Assessment of Air Quality and Air Pollutant Impacts in Class I National Parks of California," authored by T.J. Sullivan of E&S Environmental Chemistry, Inc. D.L. Peterson of the U.S. Geological Survey Forest and Rangeland Ecosystem Science Center Cascadia Field Station and C.L. Blanchard of Envair in cooperation with the National Park Service's Air Resources Division. April 2001. See also the chapter, "Distribution and Effects on Forests," in the book, Development of Ozone and Air Pollution in the Sierra Nevada, edited by R.A. Minnich, P.E. Padgett and S.V. Krupa, published by Elseveir.

However, the text of the draft EIR/EIS document carries no comparison of the topographic and climatologic factors particular to both Pacheco and Altamont passes relative to production and transport of air pollution generated by air pollution. O015-5 Cont.

Theory and logic holds that the more automobiles taken off the road the less the air pollution.

Similarly, the numbers of registered vehicles in Merced, Stanislaus and San Joaquin Counties—geographic areas that would be served by an Altamont alignment—far outnumbers those of Merced and San Benito counties—that would be served by a Pacheco alignment. No mention is made in the draft EIR/EIS text of this factor that should be relevant to any decision. O015-6

Within the basic policy preamble to the California Environmental Quality Act (Section 21001 of the California Public Resources Code) there is the declaration: "The Legislature further finds and declares that it is the policy of the State to:... Take all action necessary to provide the people of this state with clean air and water.." O015-7

Yet the EIR/EIS text takes a very cavalier attitude toward air pollution when it comes to making a corridor choice from the Central Valley into the Bay Area.

Similarly, flights of endangered condors within the potential Pacheco Pass alignments are ignored. O015-8

Also given short and inadequate attention is comparative potential for generation of land use sprawl with attendant traffic congestion. O015-9

Public consideration of the draft EIR/EIS text was skewed by the failure to adhere to the EIR Guideline requiring the naming of a preferred alternative, even in a program EIR/EIS. O015-10

Mitigation measures that would have favored Altamont were ignored, such as cellular confinement systems that would enable additional trackage in the wetlands of the eastern San Francisco Bay near Fremont, Newark and Union City. (See "Railroad General Research report: Feature: Roadbed Ballast and Slil Structure. Geoweb Elemental Properties of 3-Dimensional Roadbed Reinforcement Materials" Katsumi Muramoto, Etso Sekine and Naouki Yaguchi) Consistently successful tests have been experienced at the Facility for Accelerated Service Testing at Pueblo, Colorado. O015-11

Sincerely,

KENNETH A. GOSTING
Executive Director
Transportation Involves Everyone (TIE)